

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

SERGIO TIJERINA-SALAZAR,
Plaintiff,

v.

FERMIN VENEGAS, III, et al.,
Defendants.

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PE:19-CV-00074-DC-DF

ORDER

BEFORE THE COURT is Plaintiff Sergio Tijerina-Salazar's ("Plaintiff") Opposed Motion for Leave to Exceed Page Limit on Reply Supporting ECF 153 (hereafter, "Motion for Leave"). (Doc. 177). This matter is before the undersigned Magistrate Judge through a standing order of referral pursuant to 28 U.S.C. § 636 and Appendix C of the Local Court Rules for the Assignment of Duties to United States Magistrate Judges.

On January 31, 2022, Plaintiff filed a Motion for Partial Summary Judgment. (Doc. 153). On March 14, 2022, following the Court's granting of extensions of time to respond, Defendants Fermin Venegas, III, Fermin Venegas Shearing, Inc., and Venegas Contractors, Inc. (collectively, "Defendants"), filed their response to the Motion for Partial Summary Judgment. (Doc. 162). This response was substantively 20 pages in length and included a 22-page fact appendix, a combined 42 pages of incorporated facts and argument. *See id.*; (*see also* Doc. 162-1).

Plaintiff filed the instant Motion for Leave on March 24, 2022, requesting leave to exceed the 10-page limit as set by Local Rule CV-7(d)¹ by 9 substantive pages. (Doc. 177). Defendants produced a response to the Motion for Leave on March 31, 2022. (Doc. 182). In Defendants' response to the Motion for Leave, Defendants imply a request to be granted the opportunity to file a

1. Local Rule CV-7(e) is the applicable rule here, and limits by default replies to dispositive motions such as the Motion for Partial Summary Judgment to 10 pages. Local Court Rule 7(e).

surreply. *Id.* at 2–3.

Defendants do not attach a surreply; therefore, the Court is unable to grant Defendants’ request at this time. Furthermore, the Local Rules proscribe the filing of multiple pleadings in a single filing. Defendants’ request is accordingly improper as presented.

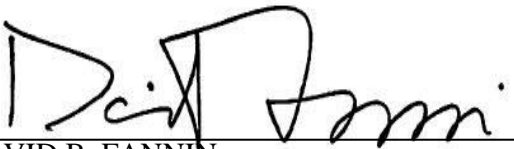
After due consideration, the Motion for Leave shall be **GRANTED**. (Doc. 177).

Plaintiff is **ORDERED** to file his 20-page Reply as attached to the Motion for Leave by **April 14, 2022**. (Doc. 177-1).

Further, it is **ORDERED** that if Defendants are to seek a surreply for Plaintiff’s instant Reply, they must file a motion with the corresponding proposed surreply.

It is so **ORDERED**.

SIGNED this 7th day of April, 2022.



DAVID B. FANNIN
UNITED STATES MAGISTRATE JUDGE